

REMARKS

Applicants have carefully reviewed the Final Office Action mailed February 25, 2003. Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 1, 3-34 and 41 are currently pending in the application, and all pending claims have been rejected.

Prior to addressing the prior art rejections, Applicants wish to alert the Examiner that an Information Disclosure Statement was filed on September 26, 2003 and received (as noted on return postcard) by the Patent Office on October 1, 2002. Applicants respectfully request that an initialed copy of the Form PTO-1449 be returned with the next communication. It is further noted cited reference GI from the Information Disclosure Statement filed July 20, 2001 was not checked off on the returned Form PTO-1449. Applicants respectfully request confirmation of consideration of cited reference GI.

Claims 1, 19 and 41 have been amended to more clearly describe the invention by requiring that the shapeable length be shapeable by thermoforming techniques. Support can be found, for example, at page 6, lines 11-13 of the specification. No new matter has been added as a result of these amendments, which are presented herein in accordance with the revised format afforded by the proposed amendments to 37 CFR § 1.121.

Moreover, these amendments are intended merely to clarify and to lend further support to the comments previously presented by the Applicants, and thus, these amendments should not be considered as raising new issues and therefore entry of this Amendment is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 1, 2 and 41 under 35 U.S.C. § 102(e) as anticipated by Samson et al., U.S. Patent No. 6,090,099 (hereinafter Samson). As a preliminary matter, Applicants note that claim 2 was previously cancelled and thus cannot remain under rejection.

Turning to the claims remaining under rejection, Applicants note that the Examiner has apparently assumed an interpretation of "shapeable length" that is different than what is intended in the instant application and the pending claims. The Examiner has noted that Samson's catheter can be used within a patient's curved vessels and thus must be shapeable. Granted,

Samson describes a catheter that appears to have sufficient flexibility to navigate typical vasculature.

However, this is not what is intended by the claimed element “shapeable length”. One of skill in the art, having read the specification (see, for example, page 6, lines 11-13 and page 9, lines 1-2) would interpret this phrase as intended. Specifically, the phrase “shapeable length” refers to a distal tip that can be formed into a desired shape prior to use of the catheter. In preferred embodiments as recited in claims 1, 19 and 41, the shapeable length can be shaped by thermoforming techniques such as heat setting. Steam is an exemplary way of heat setting the shapeable length.

Therefore, Applicants have amended independent claims 1 and 41, as well as claim 19, to more clearly define the invention and to remove any possible ambiguity concerning the scope of the invention. As previously argued, Samson does not describe a catheter having a distal tip that includes the claimed shapeable length. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner’s rejection of claims 1-6, 8-11, 13, 14, 15, 17 and 18 under 35 U.S.C. § 103(a) as unpatentable over Samson et al., U.S. Patent No. 6,090,099. Samson is distinguished above as failing to disclose the invention of claim 1. Samson is silent as to providing a catheter having a shapeable length as part of the distal tip and thus cannot be considered as suggesting the invention of claim 1. The recited dependent claims depend from and further limit claim 1 and for at least the above reasons are patentable over the cited art. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner’s rejection of claims 1-34 and 41 under 35 U.S.C. § 103(a) as unpatentable over Sampson et al., U.S. Patent No. 6,090,099, in view of Nita et al., U.S. Patent No. 5,951,539 (hereinafter Nita). Samson is distinguished above as failing to describe or suggest a catheter having distal tip that includes a shapeable length that can be shaped via thermoforming techniques prior to use. Nita fails to remedy this noted shortcoming of Samson and thus the rejection should be withdrawn.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims, namely claims 1, 3-34 and 41, are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

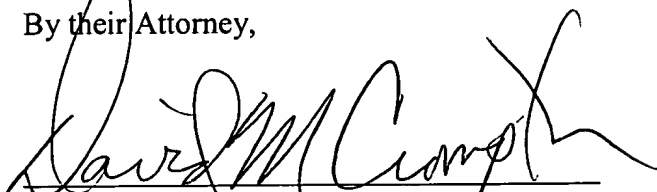
Respectfully submitted,

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By their Attorney,

Date: _____

4/25/03



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